IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.83 OF 2006
IN
SUMMARY SUIT NO.720 OF 2001

Anil Shah ..Plaintiff

Versus

M/s.Ruparel Brothers & Ors. ..Defendants

Ms.Trupti Shetty i/by M/s.Dhruve Liladhar & Co. for the plaintiff.

Coram : R.S.Mohite,J

Date : 19.09.2006.

PC

1. This is a Chamber summons taken out by the plaintiff who is a decree-holder for committing the defendants to civil prison for not obeying the order of this Court dated 17.1.2005 making Chamber summons No.46/2004 absolute in terms of prayer clause (a). Prayer clause (a) pertained to a direction to furnish particulars of their assets on affidavit as required under Order XXI, rule 41 of the Civil Procedure Code 1908. It appears that this order was passed by the Court ex-parte and none appeared for the defendants. Thereafter by letters dated 21.4.2005 and 26.7.2005 the Advocate for the plaintiffs have called upon the defendants to comply with this order and the acknowledgments of the Courier firm who have delivered these letters is

enclosed to the present Chamber summons. When this Chamber summons came up for consideration, though affidavit of service was already on record, I have adjourned the matter and directed that fresh notice be given to the defendants. Today, affidavit of service dated 19.9.2006 is again filed which indicates that by Advocate's letter dated 28.8.2006 the defendants have been informed of today's hearing of the Chamber summons.

2. Taking into account the aforesaid facts, it is clear that the defendants have not responded to the letter written by the Advocate for the plaintiff and chosen to stay away from the hearing of the Chamber summons. In the circumstances, Chamber summons is made absolute in terms of prayer clause-(a) with the stipulation that the detention in the civil prison will be for a period of 30 days. Chamber summons stands disposed off.

(R.S.Mohite,J)